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Counsel to DB US Holding Corporation

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

WHITTAKER, CLARK & DANIELS, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-13575 (MBK)

(Jointly Administered)

**JOINDER OF DB US HOLDING CORPORATION TO THE DEBTORS'
MOTION FOR ENTRY OF AN ORDER (I) APPROVING THE SETTLEMENT
AGREEMENT BETWEEN THE DEBTORS AND THE CONTRIBUTING PARTIES,
(II) AUTHORIZING THE DEBTORS TO PERFORM ALL OF THEIR
OBLIGATIONS THEREUNDER, AND (III) GRANTING RELATED RELIEF**

DB US Holding Corporation ("DB US"), by and through its undersigned counsel,
hereby joins in the *Debtors' Motion for Entry of an Order (I) Approving the Settlement Agreement
between the Contributing Parties, (II) Authorizing the Debtors to Perform All of their Obligations*

1. The Debtors in these chapter 11 cases, along with the last four digits of the Debtors' federal tax identification number, are Whittaker, Clark & Daniels, Inc. (4760), Brilliant National Services, Inc. (2113); L. A. Terminals, Inc. (6800); and Soco West, Inc. (3400). The location of Debtors' principal place of business and the Debtors' service address in these chapter 11 cases is 100 First Stamford Place, Stamford, Connecticut 06902.

thereunder, and (III) Granting Related Relief [Docket No. 1297] (the “Settlement Motion”).² DB US respectfully states as follows:

1. Although DB US disputes the legal and factual merits of the causes of action the Debtors claim to possess against DB US, DB US recognizes that voluntary, consensual settlement is the most efficient and value-maximizing means of resolving such claims. Resolving the causes of action the Debtors claim to possess against DB US and other Contributing Parties outside of a settlement would require complex, expensive, and time-consuming litigation over complicated issues involving events that took place decades ago. Accordingly, DB US has worked collaboratively with the Debtors and the other Contributing Parties to reach the consensual resolution set forth in the Settlement Agreement, and supports the approval of the Settlement Agreement.

Reservation of Rights

2. Nothing in this Joinder is intended or should be construed as (a) an admission as to the validity of any particular claim against DB US, (b) a waiver of DB US’s rights to dispute any particular claim on any grounds (other than as expressly provided in the Settlement Agreement), or (c) a waiver of any of DB US’s rights, objections, defenses, arguments, interests, or claims in the Chapter 11 Cases or under the 2003 MSPA and 2007 SPA (including in the arbitration proceeding pending under the 2021 Arbitration Rules of the International Chamber of Commerce, Case Ref. 27945/PDP). DB US expressly reserves the right to supplement, modify, and amend this Joinder at any time, including at the hearing to consider the Settlement Motion.

2. Capitalized terms used but not defined herein shall have the meaning set forth in the Settlement Motion.

Conclusion

WHEREFORE, DB US respectfully requests that the Court grant the relief sought in the Settlement Motion and such additional relief as the Court deems appropriate.

Dated: October 4, 2024

Respectfully submitted,

/s/ David Edelberg
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